

Application No. 10/757714 (Docket: NEXTIO.0300)
37 CFR 1.111 Amendment dated 1/18/06
Reply to Office Action of 1/3/06

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet includes a change to Fig. 4. This sheet, which includes Fig. 4, replaces the original sheet including Fig. 4. In Fig. 4, referenced "402" has been deleted.

Attachment: Replacement Sheet

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REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-54 are pending in the application. The Examiner additionally stated that claims 1-50 and 54 are rejected, and that claims 51-53 are objected to, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this amendment, claims 1-45 and 51 have been canceled and claim 46 has been amended. Hence, claims 46-50 and 52-54 are pending in the application.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments.

In the Drawings

The examiner indicated that the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include a reference character "402" in Figure 4 that is not referenced in the description. Applicant is hereby amending the drawings by removing reference character "402" from Figure 4. A Replacement Sheet is attached hereto.

In the Claims

Rejections Under 35 U.S.C. §101

The Examiner reiterated his previous rejection of claims 1-25 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant disagrees, but will address this rejection in a continuation application.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 36-39, 41-44, 46-49, and 54 under 35 U.S.C. 103(a) as being unpatentable over Franke et al (2004/0117536) in view of Abjanic et al (2003/0069975). Applicant disagrees with the Examiner, but will address this rejection in a continuation application.

Allowable Subject Matter

The Examiner objected to claims 51-53 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Rather than rewriting

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each of these claims in independent form, Applicant has incorporated the limitations of claim 51 into independent claim 46, and has canceled claim 51. Thus, claims 46-50 and 52-54 remain.

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CONCLUSIONS

Applicant respectfully submits that claims 46-50 and 52-54 are in condition for allowance.

Applicant earnestly requests that the Examiner contact the undersigned practitioner by telephone if the Examiner has any questions or suggestions concerning this amendment, the application, or allowance of any claims thereof.

Respectfully submitted,
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1/18/06

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Attachment: Replacement Sheet for Figure 4